

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (OTFAOC)

Federal Acquisition Regulation (FAR) Part 6 Justification & Approval (J&A), Supporting Procurements under FAR Part 12, FAR Subpart 13.501, and FAR Part 15

Purchase Request Number: Not Applicable

Contract Number: HC1013-08-D-0033

Task/Delivery Order Number: Not Applicable

Procurement Title: Commercial Communication Services

Contracting Office: Defense Information Systems Agency (DISA), Defense Information Technology Contracting Organization (DITCO) – Scott/PL8222

Statutory Authority: 10 United States Code (U.S.C.) 2304(c)(1), FAR 6.302-1(a)

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Justification for OTFAOC Number: JA15-053

Upon the basis of the following justification, I, as Head of the Contracting Activity, hereby approve the use of other than full and open competition of the proposed contractual action pursuant to the authority of 10 U.S.C. 2304(c)(1) and FAR 6.302-1(a), only one responsible source and no other supplies or services will satisfy agency requirements.

JUSTIFICATION

1. REQUIRING AGENCY AND CONTRACTING OFFICE:

Requiring Agency: United States Army Intelligence and Security Command (INSCOM)
8825 Beulah Street
Fort Belvoir, Virginia 22060

Contracting Office: DITCO – Scott/PL8222
2300 East Drive, Building 3600
Scott Air Force Base, Illinois 62225

2. NATURE/DESCRIPTION OF ACTION(S):

The purpose of this action is to increase the ceiling amount of the existing firm fixed-price (FFP), indefinite delivery, and indefinite quantity (IDIQ) contract for commercial fixed satellite services supporting the U.S. Army Intelligence and Security Command. This service is currently performed under contract HC1013-08-D-0033 which was competitively awarded to SES Government Solutions, Inc. (SES), with a 5-year base and five 1-year options. The current contract option year (OY) two (OY2) expires on June 1, 2015, and it is anticipated to reach its ceiling amount by the end of the current OY. The contract serves multiple customers and is

funded using a program designator code (PDC) processed through a telecommunication services requirement (TSR) submitted through the DISA direct order entry system. The funding provided on the PDCs/TSRs are appropriated operation and maintenance funds. The orders use the applicable, appropriated fiscal year funding. This justification for OTFAOC will ensure continuing actionable intelligence services to forward deployed units in direct support of combat operations is not lost during a critical time in the ongoing global war on terrorism and will enable INSCOM to exercise OY three (OY3) without loss of these critical services in direct support of the Warfighter.

3. DESCRIPTION OF SUPPLIES/SERVICES:

a. This contract will provide continuation of existing service to the Intelligence Electronics Warfare (IEW) community. This vehicle provides a complete telecommunications network, utilizing commercial satellite bandwidth and contractor provided hub equipment. It supports the rapid exchange of intelligence data between worldwide fixed and deployed elements and the Network Control Centers (NCCs), located at Fort Belvoir, Virginia; Fort Bragg, North Carolina; and Schofield Barracks, Hawaii. The requirement is to design, engineer, procure, install, test, operate, document, maintain and administer network control and operational support for leased services and facilities for the IEW leased communication system. The communications services shall provide for the transmission and reception of synchronous, full-duplex or simplex, asymmetrical or symmetrical, and digital circuits carrying encrypted data across both domestic and international boundaries. Network architectures may utilize single channel per carrier (SCPC), time division multiple access (TDMA), and spread spectrum technologies. The IEW system purposely has chosen to utilize commercial telecommunications support in order to maintain maximum flexibility in circuit management while retaining a low operational profile.

4. IDENTIFICATION OF STATUTORY AUTHORITY: Only one responsible source and no other supplies or services will satisfy agency requirements, 10 U.S.C.2304(c)(1). (FAR 6.302-1/DFARS 206.302-1).

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS:

(a) Description of events.

(1) A Justification for OTFAOC is necessary due to the critical nature of the information carried by the existing network prohibits any interruption and would be seriously damaging to U.S. National Security. Accordingly, prevention of network disruption necessitates continuance of the required services by the present provider to ensure protection of the network and to prevent loss of life. The current contract ceiling was for 10 years; however, this ceiling will be reached within 7 years and has resulted in the need to re-compete the effort 3 years early. While DITCO recognized the contract ceiling was approaching, the mission partner believed a draw down in Iraq and Afghanistan would prevent the need for a contract ceiling increase. Unfortunately, the

draw down in Iraq and Afghanistan did not occur at the level expected; therefore, the impact resulted in a higher demand for unanticipated mission critical requirements. The war on terrorism and continued terrorist activities in other areas of responsibility has made it impossible to predict with any degree of certainty when the contract ceiling would be reached. In addition, the newly identified threats have negatively impacted the contract ceiling. These unforeseen events have led to the need to increase the contract ceiling while on-going preparations are being made to recompete the contract.

(b) Justification.

- (1) Minimum Government requirements. The acquisition described here provides single point of failure remediation for critical intelligence traffic directly supporting Department of Defense and National Agency initiatives now underway in direct support to strategic intelligence operations throughout the world. Communications support is a critical element in every major command operations plan for worldwide deployment support, and is used for the “first-in” “system of choice” by ground combat elements of the U.S. Army, U.S. Marine Corps and Army Special Operations Command. Failure to provide these critical services described in this acquisition will result in the loss of actionable intelligence provided to forward-deployed units in combat operations.
- (2) Proposed sole source contractor. This action is to increase the ceiling amount of the existing FFP, IDIQ contract for commercial fixed satellite services supporting the U.S. Army Intelligence and Security Command. This service is currently performed under contract HC1013-08-D-0033 which was competitively awarded to SES Government Solutions, Inc. (SES), with a 5-year base and five 1-year options.
- (3) Discussion regarding cause of the sole source situation. Efforts are currently underway to recompete the effort; however, the new contract is not expected to be in place until the September/October 2015 timeframe. The Government is working the recompete as expeditiously as possible to minimize all associated costs and timeframes.
- (4) Demonstration of unique source. Not applicable.
- (5) Procurement discussion.
 - This is not a new contract and services were previously acquired using full and open competition in accordance with FAR Part 6 for maximum industry participation. The intent of this action is to increase the ceiling so an existing option period can be exercised while re-competing the effort utilizing an acquisition strategy promoting competition.
- (6) Impact. A loss in actionable intelligence can result in loss of life to deployed U.S., allied and coalition forces and/or a successful terrorist attack against overseas or domestic targets, resulting in extreme damage to U.S. National Security. Additionally, any interruption in service will directly impact the program's ability to support the U.S. Department of Homeland Security's mission as well as the weapons of mass destruction/civil support teams in the U.S., Virgin Islands, Puerto Rico, and Guam with critical access to both network and telephone services for first responders such as firemen, police, or other local response personnel. Therefore, by not increasing the contract ceiling and exercising the existing option period, previously

competed using full and open competition, would have a detrimental effect to the mission of the requiring activity and the Government.

6. FEDERAL BUSINESS OPPORTUNITIES (FEDBIZOPPS) ANNOUNCEMENT/POTENTIAL SOURCES: A synopsis for this requirement will be published on the FEDBIZOPPS website as required by FAR 5.2.

Efforts are underway to re-compete the current contract. The rationale for raising the contract ceiling and exercising OY3 lies solely on the critical nature of the current service, the Government's current defense operational environment, and the vital nature of the information being provided.

7. DETERMINATION OF FAIR AND REASONABLE COST: The costs for this acquisition are based on already established prices located in Section B of the current contract; therefore, a cost proposal for the increase to the ceiling is not required. The FFPs were established using full and open competition, and found to be fair and reasonable at the time of contract award. Determination of costs for the purpose of this modification were deemed fair and reasonable based on costs incurred during the base year and previous OYs and are necessary to cover OY3 of the current contract.